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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,989	01/11/2002	Amresh Agrawal	NA11P067/01.266.01	1427
28875	7590	08/04/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			ALAM, UZMA	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/045,989	Applicant(s) AGRAWAL ET AL.	
	Examiner Uzma Alam	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-11,16-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,16-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the request for continued examination filed July 13, 2006.

Claims 1, 11, 21-23 are amended. Claims 2-5, 12-15 and 24 are cancelled. Claims 1, 6-11, 16-23, 25-29 represent method and apparatus for reporting and analyzing network performance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Boker US Patent Publication No. 2003/0074606. Boker teaches the invention as claimed including a method of conducting performance tests of server systems and reporting the results (see abstract).

3. As per claim 1, Boker teaches a method for user-configured network analysis reporting, comprising:

(a) identifying a plurality of templates provided based on user input ([create....load tests, pp 0096-0098], paragraphs 0150, 0158);

(b) querying a database for network traffic information based on the identified templates ([the repository includes a file server that stores the Vuser scripts and load test results and

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includes a database that stores the various other types of data, paragraph 0091], paragraph 0122, 0158);

(c) populating the templates with the network traffic information ([the web pages are shown populated with sample user, project and configuration data..the data displayed in and submitted via the web pages is stored in the repository 118, which may comprise multiple databases or server, paragraph 0122] 0158); and

(d) reporting the network traffic information over a network utilizing the populated templates ([the web pages are shown populated with sample user, project and configuration data..the data displayed in and submitted via the web pages is stored in the repository 118, which may comprise multiple databases or server, paragraph 0122], generating a report, a graph or list of the result of the test run; Figure 7 and Figure 8, paragraph 0153-0157).

wherein the reporting includes displaying a graphical user interface reflecting the populated templates ([the web pages are shown populated with sample user, project and configuration data..the data displayed in and submitted via the web pages is stored in the repository 118, which may comprise multiple databases or server, paragraph 0122], using a application in a browser to display graphs and lists and charts of results; Figures 7 and 8);

wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written (paragraph 0119, [the graphs and reports are generated based on user specified configuration specifications, such as time period and routes of the test,

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0150] Figure 7, paragraph 0152, [selection of the “change state” button..allowing the administrator to manually change the state of the current test run] 0181-0183).

4. As per claim 6, Boker teaches the method as recited in claim 1, wherein the templates include templates of a first type and templates of a second type (paragraph 0149-0152).

5. As per claim 7, Boker teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a versatility thereof (paragraph 0149-0152).

6. As per claim 8, Boker teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (paragraph 0153-0158).

7. As per claim 9, Boker teaches the method as recited in claim 6, wherein the templates of the first type are populated with the network traffic information utilizing a first module (paragraph 0153-0158).

8. As per claim 10, Boker teaches the method as recited in claim 6, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (paragraph 0153-0158).

9. Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

10. As per claim 22, Boker teaches a method for user-configured network analysis reporting, comprising:

(a) determining whether a network analysis reporting system is operating in a report mode or edit mode (user mode or administration mode ; paragraph 0083-0084);

(b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates (paragraph 0098);

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input ([create....load tests, pp 0096-0098], paragraphs 0150, 0158);

(d) querying a database for network traffic information ([the repository includes a file server that stores the Vuser scripts and load test results and includes a database that stores the various other types of data, paragraph 0091], paragraph 0122, 0158);

(e) populating the templates with the network traffic information ([the web pages are shown populated with sample user, project and configuration data..the data displayed in and submitted via the web pages is stored in the repository 118, which may comprise multiple databases or server, paragraph 0122], generating a report, a graph or list of the result of the test run; Figure 7 and Figure 8, paragraph 0153-0157).

paragraph 0122, 0158); and (f) reporting the network traffic information over a network utilizing the populated templates ([the web pages are shown populated with sample user, project

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and configuration data..the data displayed in and submitted via the web pages is stored in the repository 118, which may comprise multiple databases or server, paragraph 0122], generating a report, a graph or list of the result of the test run; Figure 7 and Figure 8, paragraph 0153-0157);

wherein the reporting includes displaying a graphical user interface reflecting the populated templates (paragraph 0119, [the graphs and reports are generated based on user specified configuration specifications, such as time period and routes of the test, 0150] Figure 7, paragraph 0152, [selection of the “change state” button..allowing the administrator to manually change the state of the current test run] 0181-0183).

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period (paragraph 0119, [the graphs and reports are generated based on user specified configuration specifications, such as time period and routes of the test, 0150] Figure 7, paragraph 0152, [selection of the “change state” button..allowing the administrator to manually change the state of the current test run] 0181-0183).

11. As per claim 23, Boker teaches a method for user-configured network analysis reporting, comprising:

- (a) displaying an interface (displaying a web site; paragraph 0083-0084);
- (b) determining whether the interface is operating in a report mode or edit mode (user mode or administration mode ; paragraph 0083-0084);
- (c) if the interface is operating in the edit mode:

- (i) receiving input from a user ([create....load tests, pp 0096-0098], paragraphs 0150, 0158);
- (ii) generating a parameter file based on the input (creating a specific test run; paragraph 0091-0115);
- (iii) validating the parameter file (paragraph 0091-0115); and
- (iv) storing the parameter file (paragraph 0091-0115); and
- (d) if the interface is operating in the report mode:
 - (i) identifying a user (paragraph 0136);
 - (ii) locating a parameter file (paragraph 0131, 0154); and
 - (iii) generating a report based on the parameter file by:
 - 1) identifying templates in the parameter file (paragraph 0131, 0154);
 - 2) retrieving templates of a first type from a first module (paragraph 0149-0152);
 - 3) retrieving templates of a second type from a second module (paragraph 0149-0152)
 - 4) querying a database ([the repository includes a file server that stores the Vuser scripts and load test results and includes a database that stores the various other types of data, paragraph 0091], paragraph 0122, 0158), and
 - 6) populating the templates utilizing network traffic information retrieved in response to the querying ([the web pages are shown populated with sample user, project and configuration data..the data displayed in and submitted via the web pages is stored in

the repository 118, which may comprise multiple databases or server, paragraph 0122],
generating a report, a graph or list of the result of the test run; Figure 7 and Figure 8),

(iv) displaying the populated templates (paragraph 0153-0157, Figures 7 and 8);
wherein the templates are generated based on a plurality of user-configured parameters selected
from the group consisting of network portions to be reported, a format of reporting, or a time
period (paragraph 0119, [the graphs and reports are generated based on user specified
configuration specifications, such as time period and routes of the test, 0150] Figure 7, paragraph
0152, [selection of the “change state” button..allowing the administrator to manually change the
state of the current test run] 0181-0183).

As per claim 25, Boker teaches the method as recited in claim 1, wherein the
reporting includes a graph displaying error segments for a predetermined period of time
(paragraph 0185, Figures 7 and 16).

As per claim 26, Boker teaches the method as recited in claim 1, wherein the reporting
includes a graph displaying a list of busiest servers for a predetermined period of time (Figures 7
and 8).

As per claim 27, boker teaches the method as recited in claim 1, wherein a plurality of
monitoring agents are utilized to monitor the network traffic information (paragraph 0189).

As per claim 28, Boker teaches the method as recited in claim 27, wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database (paragraph 0182-0183; paragraph 0189-0189)

As per claim 29, Boker teaches the method as recited in claim 28, wherein the database is populated according to a minute time interval (Figure 17, database refresh rate).

Response to Arguments

12. Applicant's arguments with respect to claims 1, 6-11, 16-23, 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Sosa et al. US Patent Application Publication No. 2002/0095387

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
Ua
August 2, 2006


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